

Minutes of the Judiciary and Law Enforcement Committee - February 25, 2005

The meeting was called to order at 8:30 a.m. by Chair Mitchell who led the committee in the Pledge of Allegiance. A moment of silence was observed for County Board Supervisor Joe Griffin who recently passed away.

Present: Chair William Mitchell, County Board Supervisors Kathleen Cummings, Carl Seitz, David Swan, Jean Tortomasi; **Absent:** Keith Harenda and Mareth Kipp

Staff Present: Legislative Policy Advisors Dave Krahn and Mark Mader, Legis.Associate Sandra Meisenheimer

Also Present: Clerk of Courts Business Mgr. Bob Snow, District Attorney Paul Bucher, Judge Michael Bohren, District Court Administrator Mike Neimon, Senior Financial Analyst Mike Baniel

Approve Minutes of January 14, 2005

Motion: Tortomasi moved, second by Swan, to approve the minutes of 1/14/05. **Motion carried 5 – 0.**

Correspondence

Letter from the State of Wisconsin Department of Corrections regarding the Waukesha Work Release Center 2005 Annual Inspection Report.

Executive Committee Reports by Bill Mitchell for Meeting of February 14, 2005

Mitchell related items that were discussed and/or considered at the last meeting on Monday, 2/24/05.

Reports by Committee Member Liaisons

Mitchell said he serves on the Juvenile Restitution Committee of the Criminal Justice Collaborating Council (CJCC). The drug court bid was released on February 14. There is a \$450,000 grant available for a drug court which actually is an alcohol court for third and fourth offenders.

Future Agenda Items by Committee Members

Swan suggested a discussion on the cooperation of the county with the firing range proposal at WCTC, which involves the City and Village of Pewaukee.

Mitchell said the next meeting on March 11 might be held at the Huber facility. The letter from the Wisconsin Department of Corrections would be agendaized, and there would also be a tour of the facility. Other items for the future are presentations on the K-9 unit and metro/swat areas. Mitchell said he is also interested in an overview of what the state pays for and what the county pays for in the court system.

Future Meeting Dates

The next meeting is scheduled for March 11. Mitchell said he will not be at the April 1 committee meeting. This meeting may possibly be cancelled unless there are ordinances to act on.

Report on Usage of Interpreters in the Court System.

Snow gave an overview from the court's perspective although there are a variety of other agencies in the county that have interpreter needs, such as Human Services, Senior Services, and the jail. Because there is a large Hispanic population in Waukesha County, 90% of the interpreters needed are for that segment, 5% are for deaf/hard of hearing (sign language), and 5% are for "other" which

is a segment that is growing. Relative to ADA activities since the early 90's when the federal regulations started, interpreters have been provided for persons who are deaf or hard of hearing.

Mitchell asked in the courts does an interpreter have to be certified? Snow said the State has put some money into making sure that interpreters understand the legal environment and legal terminology, and they have to translate verbatim. The interpreter cannot paraphrase or use slang so this requires a higher level of ability as opposed to someone just giving simple directions at a reception area. This also applies to the medical area. The State in their 2001- 2003 budget, increased county reimbursements to match what the market rate is. Previously the county was getting \$35 for ½ day from the State for interpreters which wasn't anywhere close to what was being charged. The State recognized this, and increased the reimbursement rate to \$30 an hour for uncertified and \$40 an hour for certified. The programming is now in place by the State, and there is a person at the State level who is coordinating certification programming specifically for legal interpreters. In the last 18 months, 20+ Spanish interpreters have been certified and a number have been certified for American Sign Language. To Mitchell's question, Snow replied that this is only provided for the indigent which is decided by the judge.

Snow mentioned that there are regular interpreters, and there are a couple of firms that have a pool of interpreters. The county is paying anywhere from \$40 to \$85 an hour depending on the language needs. In the year 2000, expenditures were about \$53,000; in 2004 the expenses were about \$66,000. Snow didn't have a reimbursement number for 2000, but in 2004 the county received \$42,171 from the State. The overall contribution by the State has improved significantly.

Snow stated in regard to the upcoming State budget, there are a couple of significant changes: 1) the amount of dollars available for reimbursement is increasing, and 2) the State is looking to eliminate the difference between State Statutes and federal law as to interpreters being provided regardless of the case type and not making a distinction for indigency.

Krahn said in regard to indigency in the proposed State budget, interpreters will be provided regardless of indigency, but that doesn't preclude the county from recouping payment from the individual. Snow said for the most part the assumption is if it's not provided for statutorily you are precluded from doing it. That would be a good question to raise at a different level. It is a gray area.

Krahn said on behalf of Supervisor Kipp who is unable to be here today, why don't we have interpreters on staff? Snow replied at this time there isn't an ongoing need on a daily basis. There is a need on a daily basis for the lock-up process, but this only involves maybe 2-4 persons out of 20, 30 or 40. This situation does not warrant the need for a full-time person. Mitchell asked is there potential for someone who is certified as an interpreter for the court and willing to do other responsibilities during down times but then obviously a contracted service would still have to be used because one person can't be in two different courts at one time. Snow said generally the county does work on contracting for some of the specialized services as opposed to having a full-time individual.

Overview of Strategic Plan for the District Attorney's Office

Bucher referred to the 2003-05 strategic plan for his office. He covered the goals and tasks under the following areas: 1) Attract and maintain a diverse, well-trained, and competent workforce/staff; 2) Maintain and improve utilization of technology; and 3) Foster and encourage community investment in the criminal justice system. The committee asked questions as Bucher reviewed his

strategic plan point by point. Regarding #3, Bucher stated they are as active in the community as possible and certainly Victim/Witness is one of their top priorities, as well the Women's Center and the Office of Crime Victim Services. They have not had to cut back on victim/witness services as a result of the staff cuts, but IT services and legal services have been cut back. He stated that they do stand a chance of losing one prosecutor who is currently funded by the Byrne Memorial funding for drugs, which would be devastating. If it does happen, their drug unit would have to be regrouped and probably closed. Tortomasi questioned the year 2000 dates listed after many of the tasks. Bucher said those dates should be updated, and he will work with DOA to do so. They are supposed to be in the process of developing a new strategic action plan but because he doesn't have the staff to do this, it is not being done.

Discuss Courthouse Security Manual

Bohren stated this project has been going on over a period of years. It started in 2001 with an initial manual and was revamped substantially in 2003 and 2004. The Security Committee for the courthouse adopted this manual in October, which is for courthouse personnel. It now goes to Executive Finley for him to implement as he chooses. Bohren referred to Page 16 of the manual – "IV. Maintaining a Safe and Secure Workplace." He stated because of the nature of the business in the courthouse, we have to be aware that we're dealing with situations and people who are a little different than your next-door neighbor. It takes a heightened awareness on the part of staff and everyone in the courthouse as to what is going on. This manual gives employees, staff, managers, etc. information on what to do and how to do it.

Bohren stated as far as other steps being taken, on a weekly basis the Sheriff's office tests all of the security alarms in the courthouse. Sometimes they don't work due to a malfunction so it is good to have it done on a weekly basis.

Neimon stated they did test the duress alarms and when going through the training they found alarms in locations that were not accessible. The approach in the manual was to keep it simple. Also, with the training, they found that personnel were not reacting as the Sheriff would probably want them to. This manual helps them to know how to respond. It doesn't replace any policies or procedures but enhances what is in place now.

Swan said he would like to see mock training for 7111 and duress alarm situations. He'd like to see it in action before something happens. Neimon said that's what was done. Every courtroom, judge, commissioner and all staff had training in the process as to the dialing of 7111 and pushing the alarm. This all will be recreated for office staff training this year. Every year they also will have the Sheriff's Department come in for a refresher.

Regarding the metal detectors, Bohren said they have been used twice – one time was on Martin Luther King Day. Swan said that is a good trial – doing it when it is not needed. Neimon said Judge Foster wants to try it when there is a lot of activity in the courthouse.

Mitchell asked if this manual will go to the County Board. Neimon said he wasn't sure what the process is for the county. It has been handed over to the County Executive for distribution. Bohren said it also was sent to the Sheriff and District Attorney. Laura Stauffer, who also is on the Security Committee, is working with her group to study whether it meshes with the entire countywide operation. In closing, Bohren distributed copies of the Campus Security Update Report for the Reporting Period 10/22/04 to 1/21/05. This report shows what happens in the courthouse on a regular basis. It also is used at Security Committee meetings to evaluate the

environment in the courthouse and helps with planning to focus security attention throughout the building. Bohren said if the committee would like copies of this report in the future, he can make them available. Mitchell said that would be a good idea.

Legislative Update

Krahn gave an update of legislative issues pertaining to the committee as of 2/25/05 (see attachment). Krahn went on to discuss state budget initiatives as outlined in his handout (see attachment).

Motion to adjourn: Cummings moved, second by Tortomasi, to adjourn the meeting at 11:05 a.m. Motion carried 5 - 0.

Respectfully submitted,

Mareth K. Kipp
Secretary

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